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Attorney for Respondent  
HAWAIIAN ELECTRIC COMPANY, INC.

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. OSAB 2002-35
	)	ORDER NO. 86
CRAIG A. GOMES,	)	ORDER GRANTING RESPONDENT
	)	HAWAIIAN ELECTRIC COMPANY,
Complainant,	)	INC.'S MOTION TO DISMISS WITH
	)	PREJUDICE
vs.	)	
	)	
HAWAIIAN ELECTRIC COMPANY,	)	
	)	
Respondent,	)	
	)	
and	)	
	)	
DIRECTOR, DEPARTMENT OF LABOR	)	
AND INDUSTRIAL RELATIONS,	)	
	)	
Appellee.	)	
	)	

ORDER GRANTING RESPONDENT HAWAIIAN ELECTRIC  
COMPANY, INC.'S MOTION TO DISMISS WITH PREJUDICE

This matter having come on for hearing before the Hawaii Labor Relations Board  
("BOARD") on November 19, 2003 (for a trial scheduled for November 19, 20, 21 and 24, 2003)

with Complainant CRAIG A. GOMES (“COMPLAINANT”) representing himself, Respondent HAWAIIAN ELECTRIC COMPANY, INC. (“Respondent HECO”) being represented by Cynthia Winegar, Esq. and Respondent DIRECTOR, DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS (“Respondent DLIR”) being represented by Deputy Attorney General Leo Young, Esq.; and COMPLAINANT, not having brought his witnesses to the trial (although being informed by the Board at an earlier hearing that there would be no further postponements after several postponements requested by COMPLAINANT in the past and that he would need to have his witnesses ready and proceed first and subsequently being advised by written order that he was to proceed first at the hearing); and being further offered the opportunity by the Board on November 19, 2003 to proceed with his testimony; and COMPLAINANT representing he did not intend to testify on his behalf, and he was going to establish his position through other witnesses; and his being offered the opportunity to reconsider that position since his witnesses were not present and he had the burden of proof to establish retaliation/discrimination; and COMPLAINANT, after an opportunity to reflect, said he was not prepared to testify and was not prepared to go forward with his case; and whereupon Respondent HECO moved to dismiss this case with prejudice for COMPLAINANT’s failure to prosecute the case and fulfill his burden of proof, and for the harm to it such actions had caused due to delay and the incurring of fees; and the Board having granted such motion orally on November 19, 2003.

NOW THEREFORE IT IS ORDERED that COMPLAINANT’s complaint is dismissed with prejudice, thereby disposing of the entire matter.

While Respondent HECO reserved the right to bring a motion for sanctions in the

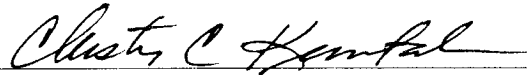
future, the Board stated that it was disinclined to grant such motion since COMPLAINANT was pro se.

DATED: Honolulu, Hawaii, January 29, 2004.

HAWAII LABOR RELATIONS BOARD



BRIAN K. NAKAMURA, Chair



CHESTER C. KUNITAKE, Member



KATHLEEN RACUYA-MARKRICH, Member